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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,396	02/05/2002	Richard St.Clair Bailey	MS1-1006US	4779
22801	7590	07/25/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			ROSWELL, MICHAEL	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/072,396	BAILEY ET AL.	
	Examiner	Art Unit	
	Michael Roswell	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09052006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 34, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Major et al (US Patent 6,993,508), hereinafter Major, and Wason et al (US Patent 6,701,383), hereinafter Wason.

Major teaches receiving selections from an OEM GUI software to determine the configuration and appearance of a displayed list (taught as the use of a web browser for displaying information to a user, at col. 6, lines 30-34. Many different web browsers are well known in the art, such as Microsoft Internet Explorer, Netscape Navigator, and Mozilla Firefox. It is inherent that each of these browsers include OEM GUI software for displaying data to a user in the distinct style of the browser), accessing a generic data source that contains one or more of the items (taught as the use of a Download Manager and Play List Manager, which may be either a plug-in or JavaScript program and therefore capable of being added to the OEM software, to request web pages detailing available downloads, at col. 6, lines 42-46), populating the displayed list with the items from the generic data source according to one or more scrolling events (taught as the interaction of the Play List Manager with the web browser to facilitate user selection of an item from the playlist. Playlists are well known in the art, and commonly include a number of selections longer than the available display space for the playlist, which results in the use of scrolling events to display the further available selections, as is commonly found in media players such as Windows Media Player and WinAmp, as well as many HTML objects

such as selection boxes), wherein the OEM GUI software is configured independently of the one or more media (taught through the use of an OEM GUI, as the OEM GUI software is inherently configured prior to interacting with any supplemental data or media).

However, Major fails to explicitly teach the instructions being executable on different computing platforms and in different applications to provide the displayed list.

Wason teaches the use of plug-ins with different media players and web browsers, similar to that of Major. Furthermore, Wason teaches an abstraction layer for providing a uniform interface between a framework and one or more plug-ins, which allows for instructions being executable on different computing platforms and in different applications to provide a displayed list. See Wason, col. 2, lines 26-27 and 51-62.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Major and Wason before him at the time the invention was made to modify the Digital Content browser of Major to include the platform independent plug-in capabilities of Wason.

One would have been motivated to make such a combination for the advantage of building a single, platform independent version of a plug-in or other such software, capable of extending similar functionality to a number of different frameworks and media players. See Wason, col. 2, lines 1-24.

Response to Arguments

Applicant's arguments filed 9 May 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that Major fails to teach "receiving selections from the OEM GUI software to determine the configuration and the appearance of the displayed list",

the examiner respectfully disagrees. As stated above, Major teaches the use of a web browser for displaying related list information. At the effective filing date of the Major patent, Microsoft Internet Explorer versions 5 and 5.5, Netscape Navigator version 4.0 (also known as Netscape Communicator) and Opera version 5 were available for public use. These browsers are certainly a step up from the "traditional browser" as argued by applicant; for example, Internet Explorer version 5.5 is well known to support more than simple HTML page parsing and display, as it supports CSS, XML, ActiveX controls, Java applets and XSL. Furthermore, the aforementioned browsers are well known to allow common user customizations such as text color, background color, and font size, made accessible in a tools or options menu. All of these user customizations are selections from an OEM GUI software that help determine the configuration and appearance of displayed content.

The examiner further asserts that the displayed states argued by applicant at pages 5 and 6 of the arguments are part of the content taken from the data source to be displayed by the browser, and as such have little to do with the configuration and appearance of the list.

As to applicant's argument that the examiner has failed to supply ample motivation for the combination of Major and Wason, the examiner refers to the final paragraph of the rejection of claims 34, 37, and 38, which states:

One would have been motivated to make such a combination for the advantage of building a single, platform independent version of a plug-in or other such software, capable of extending similar functionality to a number of different frameworks and media players. See Wason, col. 2, lines 1-24.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 2173

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Michael Roswell
7/19/2006

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